



Implementation of the UN Convention on the Rights of Persons with Disabilities in Albania

Human Rights Council's Universal Periodic Review

19th session - 2014

A. Introduction

This report is submitted by the Albanian National Council of Disabled People (ANCDP), in view of the Universal Periodic Review (UPR) of Albania during the 19th UPR session. This report assesses the practical implementation of the United Nations Convention on the Rights of Persons with Disability (CRPD), as ratified by the Government of Albania in February 2013, and makes relevant recommendations. The report was submitted with support from the European Disability Forum (EDF) and the International Disability Alliance (IDA). **The Albanian National Council of Disabled People** is an umbrella organization. See annex 1 for a list of our member organizations.

Methodology

The Albanian National Council of Disabled People was informed by IDA and EDF of the opportunity to submit a report to the Human Rights Council's Universal Periodic Review of Albania. A workshop took place in July 2013 as a cooperative effort of IDA, EDF, and the Albanian National Council of Disabled Persons to prepare this report. The Albanian participants collaboratively drafted the report which was finalized with EDF and IDA.

B. Albania's situation, including the legislative and structural framework

More generally, Albanian persons with disabilities face the same challenges as other Albanians, with regard to the political and economic environment. However, they face additional barriers to full inclusion and participation in society. This section will focus on gaps in Albanian legislation as concerns persons with disabilities. First, the rights of persons with disabilities in Albania are scattered throughout the Albanian legislative framework and are regulated in different bodies of law. The legislation for persons with disabilities in Albania is not integrated in the legislation on other sectors. Specific laws have been adopted since the 1990s to give rights to specific groups of persons with disabilities. In our view point these specific laws for specific categories for persons with disabilities can be helpful when it comes to regulate in detail the specific provisions and duties for specific groups of persons with disabilities. However, because not all groups of persons with disabilities currently enjoy the same level of self-representation in Albania, they are not equally protected in the legislation, which is not comprehensive. Accordingly, the rights of all persons with disabilities should be mainstreamed throughout the generic Albanian legislative framework. In addition to lack of comprehensive legislation, a legal gap exists in the

protection of different groups of persons with disabilities because of lack of recognition of some groups as being persons with disabilities. Deaf persons, persons with intellectual disabilities and persons with psychosocial disabilities are not recognized in Albanian legislation or relevant administrative guidance as persons with disabilities and are excluded from existing legal protection and access to social assistance and support. ANCDP recalls that Article **4 (1) of the CRPD** stipulates:

“1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.”

The Albanian government has further not assigned or established institutions that have the capacity to implement and monitor, respectively, the CRPD and any implementing laws and policies. First, the necessary focal points have not been appointed yet within the government for implementation of the CRPD, nor has a coordinating body been identified, for the facilitation of the CRPD’s implementation.¹Second, regarding monitoring, Albania also lacks a robust independent mechanism to promote, protect and monitor the implementation of the CRPD, as per Article **33 (2) CRPD**. The Ombudsman office has committed to increase attention to the CRPD; however, this institution needs strengthening. Capacity of national institutions for the promotion and protection of human rights needs to be increased with international and technical cooperation. This should be done taking into account also Human Rights Council resolution on Article 33 CRPD, [A/HRC/RES/13/11](#).

The first immediate steps to implement the CRPD and the requirements of article 33 have thus not yet been taken. Concerted and coordinated government action to implement the CRPD is still lacking. Sustainable human rights infrastructure in general is also in need of strengthening; for instance, the UPR outcome and U.N. treaty body concluding observations should be regularly tabled in Parliament, and a government structure should be set up for reporting to relevant international human rights bodies. Efforts to inform, involve, and ensure the participation of civil society, in particular persons with disabilities and their representative organizations, in an independent monitoring mechanism, as required by **article 33 (3) CRPD**, are also lacking². A further gap in legislation is that Albanian Sign Language is not yet recognized as an official language in the Albanian Constitution. As a result, children with disabilities for example do not enjoy their right to be educated in their language, Albanian Sign Language. This lack of recognition, and the lack of qualified sign language interpreters (there are currently only six or so in the country) also creates a major barrier for deaf persons to access public and political life as well as any services open to the public.

Article 24 (3) (b) CRPD obliges States Parties to facilitate the learning of sign language and the promotion of the linguistic identity of the deaf community, while article **9 (2) (e)** requires providing taking appropriate measures to ensure accessibility, including “forms of live assistance and intermediaries, including [...] professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public”. The Constitution contains articles that are not in compliance with the CRPD.³ Article 27 (2) of the Constitution, concerning restriction of liberty, does not comply with articles

¹ **Article 33 (1) CRPD** requires that: “States Parties , [...], shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within the government to facilitate related action in different sectors and at different levels.”

² 33 (3) provides: “3. Civil society, in particular persons with disabilities and their representative organisations, shall be involved and participate fully in the monitoring process”.

³ See provisions listed at International Foundation for Electoral Systems (IFES), Global Initiative to Enfranchise People with Disabilities, Laws and Regulations, “Albania”, available at <http://www.electionaccess.org/LR/Countries%20A-L/Albania.htm> (visited 20 July 2013).

12 and 14 or more updated approaches to providing supports and services to persons with psychosocial disabilities. The Constitution and Electoral law also contain CRPD-incompatible exclusions on the right to vote (see below, section on "Representation".) These are only some examples of legislative gaps and issues. Finally, the Albanian government has not yet signed and ratified the Optional Protocol.

Recommendations

1. The Albanian government should **mainstream the rights of all persons with disabilities in all legislations and policies and over all sectors** in line with the CRPD.
2. The Albanian government should take all necessary legislative measures to **implement the CRPD in national legislation and to bring the basic legislation of the Republic of Albania in line with the requirements of the CRPD**. In the field of criminal law, amendments should be made to the material and procedural legal provisions. Changes are also necessary on the law of civil affairs, the family code, the labour code, the traffic code, the electoral laws, laws currently permitting denial of legal capacity, and the code of administrative procedures. More specifically we highlight the need to amend articles 18, 27 (2), 45 (2) and 54 of the Constitution, and article 45 (2) of the electoral law (29 December 2008).
3. The Albanian government should ensure that **deaf persons, deafblind persons, persons with intellectual disabilities and persons with psychosocial disabilities are recognized as persons with disabilities** and enjoy the same level of protection of their rights, including access to social protection and services and support, as all persons with disabilities in Albania.
4. The Albanian government should take all appropriate action to **adopt the necessary sublegal acts to implement the Law on protection from discrimination, the Law on pre-university education, the Law on promotion of employment and the Laws on territorial planning**.
5. The Albanian government should designate one or more **focal points within the government for implementation, a coordinating mechanism within the government to facilitate related action in different sectors and at different levels, and establish an independent framework to promote and monitor the implementation of the UN CRPD. Organisations of persons with disabilities should be informed and enabled to participate fully** in all aspects of this monitoring process, just as they are to be closely consulted and involved in the development and implementation of policies, programmes and legislation to disseminate and implement the CRPD. **Albanian Sign Language should be recognized as one of official languages in the country, whether in the Constitution, legislation or other means consistent with the political system in Albania. The government should allocate sufficient resources to improve education in Albanian Sign Language, accreditation and training of sign language interpreters and related measures**, and seek technical assistance for this process.
6. **The Albanian government should sign and ratify the Optional Protocol without delay.**

C. Main challenges

C.1. Discrimination

Persons with disabilities in Albania, especially women with disabilities, face discrimination in all fields of life, such as:

- Women are subject to discrimination and violence in the family and in society;

- Many persons with disabilities are abandoned by their families, live in isolation and social exclusion, and lack the needed supports and services to enjoy the right to live independently and be included in the community;
- Deaf persons lack access to information in the fields of health care, education, employment and other essential areas of life, do not have accessible means to communicate with police, and are denied drivers licenses on the basis of their deafness;
- Regarding employment, persons with disabilities are not seen as workers but rather as persons that have to stay at home. Persons with disabilities are often not allowed to work and are considered 'invalid', even if they would be able to work partially.

Recognizing the existing high level of discrimination and inequalities facing persons with disabilities, the CRPD contains multiple provisions on non-discrimination and equality, throughout (for instance, in the **Preamble (h), in articles 1, 2, 3, 4, 5**, but also others). "Discrimination on the basis of disability" is defined in article 2 CRPD, which makes it clear that this includes "any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation." The differences and exclusions made on the basis of disability, mentioned above, all fall afoul of this. **Article 4 (1) (e)** CRPD requires taking "all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise." **Article 5 CRPD** states, in paragraph 1, that 'States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.' In paragraph 2 it requires "States Parties [to] prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. The very purpose of the CRPD, stipulated in **Article 1** is to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." The Government of Albania has not yet conducted a thorough review of the ways that currently discrimination exists in many aspects of society, in consultation with persons with disabilities from different constituencies and their representative organizations, to address this serious and far-reaching discrimination.

Recommendations

- (b) In consultation with persons with disabilities from all different disability constituencies, and their representative organizations, the Albanian government should amend its legislation and specifically its antidiscrimination legislation in order to ensure recognition of all persons with disabilities' right to equality before and under the law, and their enjoyment without any discrimination the equal protection and benefit of the law. The legislative review and legislative changes should address *all forms* of discrimination, including violence, lack of awareness-raising including of the family, provision of services in the community, denial of drivers licenses, and in employment (including hiring, retention and promotion, workplace discrimination, and robust complaint mechanisms for employment-related disability-based discrimination), etc.
- (c) All persons with disabilities (in keeping with the approach in **article 1 CRPD**), including deaf persons, persons with intellectual and persons with psychosocial disabilities and others should be recognized as persons with disabilities under Albanian legislation, implementing regulations, etc.

C.2. Women with disabilities

Women with disabilities are at a particular disadvantage in Albania and are subject to multiple discrimination, not only based on their disability but also on their gender. Like other women in Albania, some women with disabilities internalize existing gender stereotypes that exist in Albania and come to

believe these as truths, viewing their own capacities as limited, based on their gender. Domestic violence is also very common, not reported, and not addressed by adequate programs or police action. Some complaints to police are not adequately acted upon.

Women with disabilities face exclusion and discrimination in the family, which makes it difficult for them to leave the house and to participate in society. This discrimination is also evident in family members' lack of prioritization of the education of girls with disabilities. Women with disabilities in remote and rural areas and older women with disabilities are particularly socially isolated and often face violence and abuse within the family. Information on existing procedures to prevent and remedy violence and abuse, and police services and shelters are not accessible for women and girls with disabilities who have experienced or are at risk of violence or abuse. Women with disabilities also do not have equal access to gender- and disability-sensitive health care services or to information on health, sexual and reproductive rights. They also have very few opportunities to go to school or be employed in the general labour market. Girls and women with intellectual disabilities who live in institutions are often victims of sexual abuse, drug abuse and trafficking. Such abuse and exploitation happens in Albania as an "open secret". This group of woman with disabilities is also not protected by the law. When persons with disabilities living in residential institutions of children with intellectual disabilities (which run afoul of **article 19 CRPD**, anyway) turn 18, many are then sent to residential institutions of older persons and are then forced to live and also work there without compensation, in violation of their rights to liberty and security of person (**article 14 CRPD**), and freedom from exploitation, violence and abuse (**article 16**). See also Article 6 CRPD⁴.

Recommendations

In consultation with women and girls with disabilities and their representative organizations, the Government of Albania should conduct awareness-raising of the CRPD (per article 8), create and implement a de-institutionalization plan (also consulting other countries and representative organizations of persons with disabilities already engaged in this, as well as Albanian DPOs); ensure the safety and personal integrity of persons with disabilities in vulnerable situations such as those at risk of living in institutions or already in them; create and widely publicise a public reporting mechanism to report allegations of abuse, violence, exploitation and trafficking; investigate and where appropriate prosecute persons and institutions accused of ill treatment; and ensure equal opportunities to education and employment, health care and reproductive rights information.

C.3. Lack of service provisions by the State, and the right to live independently and be included in the community

The Government of Albanian does not provide access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and being included in community. Currently, most existing services are provided by nongovernmental organizations and not by the State. Many services and supports that have become standard in some other countries are unavailable or not adequate. Many persons with disabilities, in particular women with disabilities live in isolation and exclusion from the community, in their families' homes or in institutions. Many persons with intellectual and psychosocial disabilities are currently living in institutions instead of in their own homes. Many persons with disabilities residing with their families live in apartment buildings without lifts. This in effect means that many cannot freely go in and out of the home, but instead have to rely on a family member to carry them up and down stairs, which is both undignified and unsafe. Adequate and

⁴ In **Article 6 CRPD**, States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and agree to take all appropriate measures to ensure women and girls with disabilities' full and equal enjoyment of all human rights and fundamental freedoms. In addition, States Parties must take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and equal enjoyment of all human rights and fundamental freedoms.

accessible housing, where persons with disabilities can enjoy dignity and autonomy, is lacking. See articles 19 and 28 CRPD.⁵

University-level education to train habilitation/rehabilitation specialists only began in the last few years, with Albania only recently graduating its first small class of professionals trained in habilitation and rehabilitation, now mostly based in Tirana. This beginning represents a step in the right direction, but leaves much more to be achieved. Many persons with disabilities lack habilitation and rehabilitation, as well as wheelchairs and other assistive devices necessary to personal mobility and security of person (**Articles 20 and 14**). Much specialized medical care needed by some persons with disabilities is simply not available or of good quality. See also article 26 and 25 CRPD.⁶ The very limited number of sign language interpreters poses significant barriers to deaf persons in equal participation and inclusion in social, public and political life. **Article 9 (2),(e) CRPD** requires States Parties to provide forms of live assistance and intermediaries, including professional sign languages interpreters to facilitate accessibility to building and other facilities open to the public.

Recommendations

1. In consultation with persons with disabilities from different disability constituencies and their representative organizations, Government capacity -- to ensure that all persons with disabilities have access to relevant CRPD-compliant support services necessary to live independently and be included in the community -- should be increased through international cooperation.
2. The government of Albanian should ensure that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on equal basis with others and are not obliged to live in a particular living arrangement.
3. Professional Albanian Sign Language interpretation services should be organized and extended in order to ensure that all deaf persons can fully participate in all aspects of life.
4. The Albanian State should ensure that all persons with disabilities have access to relevant habilitation and rehabilitation services, as well as access to good quality health services (both general and disability-specific) on the basis of informed consent.

C.4. Education

Even though the Albanian legislation includes the principle of inclusive education for children with disabilities, the implementation is not satisfactory. The Albanian education system does not provide for the necessary support and access to assistive devices and adapted and accessible materials during the teaching and learning processes. Children and young persons with disabilities do not have access to mainstream primary and secondary education. School buildings are inaccessible and there is a lack of assisting teachers. Persons with disabilities also do not have access to vocational training, adult education or lifelong learning.

⁵ In **Article 19 CRPD**, States Parties recognize the equal right of all persons with disabilities to live independently and be included in the community, with choices equal to others', to take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in community. In **Article 28**, States agree to take measures to ensure an adequate standard of living, including adequate food, clothing and housing, the continuous improvement of living conditions, and nondiscrimination in this regard. It requires access to social protection and poverty reduction, without discrimination.

⁶ . **Article 26 CRPD** requires States Parties to organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability and full inclusion and participation in all aspects of life. **Article 25 CRPD** requires ensuring equal access to general health services, and access to disability-specific health services, on the basis of informed consent.

Deaf persons only are provided with education in sign language in primary school and are educated in a sign language that is not an official one. Deaf persons experience barriers in university registration. Deaf persons in Albania would prefer to have secondary education in sign language and access to mainstream university education. *See articles 3, 8 (2) (b), and 24 CRPD.*⁷

Recommendations

1. In consultation with persons with disabilities, in particular children with disabilities, and their representative organizations, the Government of Albania must implement the legislation on inclusive pre-university education for all persons with disabilities and foresee the necessary resources for this.
2. It must take appropriate measures to train and employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals who work at all levels of education.
3. The Government has to ensure that all children with multiple disabilities have access to inclusive and quality education on an equal basis with others in the communities in which they live.
4. It should do an accessibility audit of all educational institutions and create and implement a school accessibility plan with defined time-bound targets and indicators, which would be continually implemented going forward.
5. Higher education and its registration process must be accessible for all persons with disabilities. Also access to vocational training should be ensured by the Albanian State so that persons with disabilities are able to improve their employment opportunities and live a life in dignity.
6. The Albanian State has to ensure that education of all children and youngsters with disabilities is delivered in the most appropriate language and modes and means of communication for the individual and should provide appropriate and accessible education materials.

C.5. Accessibility

Persons with disabilities face many problems of inaccessibility in all aspects of life. Because of lack of consideration by relevant authorities at the planning, design, procurement, construction or other phases, persons with disabilities are not able to access the physical environment, transport, information and communication on an equal basis with others and are therefore not able to live independently. For example public buildings, traffic lights, sign language teaching and interpretation and culture are inaccessible. Government and university buildings, almost all primary and secondary schools, and almost all eating and drinking establishments, such as restaurants and shops are inaccessible. Much progress has been made but only in the main towns in Albania. In the remote and rural areas in Albania many persons with disabilities face the highest rates of social exclusion and isolation, due to the inaccessibility

⁷ Article 3 CRPD sets forth general principles, such as non-discrimination, full and effective participation and inclusion in society, equality of opportunity, and accessibility. Article 7 CRPD guarantees to children with disabilities the full enjoyment of all human rights and fundamental freedoms on an equal basis with other children.

Art. 8(2)(b) CRPD requires fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities.

Article 24 CRPD requires States Parties to recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties have to ensure an inclusive education system at all levels and lifelong learning.

of their living environment. Health care facilities, including emergencies cars are not accessible. Police are not accessible for all persons with disabilities. *See article 9 CRPD.*⁸

Recommendations

1. The existing laws and policies on accessibility should be properly implemented and the necessary resources foreseen.
2. The Albanian State should ensure that architectural barriers are eliminated, public transport is made accessible, and that public and private buildings are accessible. It must provide persons with disabilities with the necessary technologies and devices to enable them to live independently and to participate on an equal basis with others in all aspects of life. In particular, local governments, municipalities and communes have to play a crucial role in taking into account accessibility for persons with disabilities. Local transport and rural and urban areas and public spaces should be made accessible in order to enable persons with disabilities to move freely.
3. All public procurement, including that using resources from international cooperation, should include accessibility for persons with disabilities as a compulsory requirement so that new barriers are not created.
4. The Albanian State has to take all appropriate measure to ensure that information and communication is accessible for all persons with disabilities, in particular public information. Sign language interpretation, audio description and Braille have to be made available in facilities and services open to the public, both in urban and rural areas. Also sign language and captioning should be provided in private and public media.
5. Employment, education and culture and social life has to be made accessible for persons with disabilities so that we are able to be present in all fields of life.

C.6. Representation

Persons with disabilities are not represented in political life and in decision making processes on the local, regional and national level. Many persons with disability are socially excluded and are denied the legal capacity to act, impeding the person to participate fully in all areas of life. Representation is closely related to social exclusion. Persons with disabilities should enjoy the right to be consulted and heard, not only individually but also as a group.

Article 45 (2) of the Constitution⁹ wrongly denies the right to vote to persons with psychosocial or intellectual disabilities, counter to articles 1, 2, 12 and 29 of the CRPD.¹⁰ The Electoral law contains a nondiscrimination provision that includes physical but not other disability.¹¹ It later states that "Citizens

⁸ **Article 9 CRPD**, one of the most extensive articles in the CRPD, requires States Parties to take the necessary steps to ensure to persons with disabilities access, on an equal basis with others to the physical environment, to transportation, information and communication and to other facilities and services open or provided to the public. It requires developing, promulgating and monitoring minimum standards and guidelines for the accessibility of facilities and services open or provided to the public.

⁹ Article 45, section (2) of the Constitution states, "citizens who have been declared mentally incompetent by a final court decision do not have the right to elect.". The Electoral law also states: "Citizens declared by final court decision to lack the capacity to act are excluded from the right to vote."

¹⁰ Article 1 stipulates that the purpose of the CRPD guarantees all rights to all persons with disabilities. Article 2 CRPD defines "discrimination on the basis of disability" which includes any restriction, exclusion or distinction that has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation. Article 29 provides for participation in political and public life and does not contain any restrictions for any persons with disabilities. See also art. 5, equality and art. 12, equal representation before the law.

¹¹ Article 3 (3), Electoral Law, 29 December 2008.

declared by final court decision to lack the capacity to act are excluded from the right to vote.” The provisions for voting assistance also do not equally protect the right to vote of all persons with disabilities. Even if the denial occurs on an individual basis- for instance by a court decision, as is foreseen by the Albanian Constitution- a person with a disability's right to vote or be elected cannot and should not be taken away.¹² Denial of the right to vote denies groups of persons with disabilities a voice in important decision-making processes and this is reflected in policies (or lack thereof).

The Albanian translation of the UN CRPD is incorrect with regards to the translation of ‘organisations of persons with disabilities’. The UN CRPD in Albania translates these words as ‘organisations for persons with disabilities’. However, the UN CRPD clearly refers to organisations representing and consisting of persons with disabilities, and does not refer to any organisation working on the rights of persons with disabilities. **See arts 1, 2 and 29 CRPD (and see note 8, above).**

Recommendations

1. Adopt and implement appropriate measures to ensure that persons with disabilities can participate effectively and fully in political and public life on an equal basis with others.¹³
2. The Albanian State has to take legal and practical measures to guarantee the full participation and representation of persons with disabilities in the local and central governments and in the People’s Advocate Institute. Representatives of organizations of persons with disabilities should be included on the boards of housing, employment and education committees, and involved from the beginning of decision making processes.
3. The Albanian State must take measures to ensure that persons with disabilities can fully participate in non-governmental organisations, sport and cultural associations.
4. Persons with disabilities should enjoy the right and receive the support to have an organized representation so that they are heard when decisions are taken on them, and to monitor the implementation of the CRPD. They should be recognized to be present at the local and regional level. The relationship between organizations of persons with disabilities and the government should be facilitated by law to enable representative organizations to be actively involved and consulted at the beginning of any decision making process.
5. The words ‘organisations of persons with disabilities’ in the CRPD should be translated correctly into Albanian.

C.7. Employment

Almost no persons with disabilities in Albania are employed. The existing law containing a quota of 4 per cent of persons with disabilities that has to be employed in every private and public organisation (saying that for every 24 persons employed, one person should be a person with a disability) is not implemented. Even the State, which should be a role model in employing persons with disabilities, does not implement its own law. The lack of access to the regular employment market prohibits persons with disabilities from enjoying the same kind of autonomy that they otherwise could have. It perpetuates

¹² See Human Rights Council resolution, Participation in political and public life by persons with disabilities (A/HRC/RES/19/11), available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/19/11. This states: “that the exclusion or restriction of political rights of persons with disabilities on the basis of disability constitutes discrimination contrary to the Convention on the Rights of Persons with Disabilities” (preamble paragraph 5). See also International Disability Alliance contribution to OHCHR Thematic study on article 29, available at <http://www.ohchr.org/Documents/Issues/Disability/PoliticalParticipation/NGOs/ResponseIDA.doc>. And see also IDA human rights publication series on the right to vote at http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/IDA_Index_Online%20page_final.pdf. And see guidance and resources available at the website of Inclusion Europe (a member of IDA member, Inclusion International), available at <http://inclusion-europe.org/en/projects/accessible-elections>.

¹³ See A/HRC/RES/19/11 paragraph 5.

exclusion and discrimination in society, and isolation. **See art. 28 CRPD¹⁴. Article 27 CRPD** requires States Parties to ensure the right of persons with disabilities to work, on an equal basis with others. This includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.

Recommendations

1. Enforcement of the existing quota system for the employment of persons with disabilities. The existing legislative framework (law on social insurance, labour invalids status and employment promotion) should be implemented and sublegal acts and guidelines are needed.
2. A national employment fund should be established to support the employment opportunities for persons with disabilities. Vocational training and workplaces have to be accessible for persons with disabilities in order to support their transition to the employment market.
3. The ILO office in Albania should work with the Government of Albania to investigate and take steps to address the situation of persons with intellectual disabilities who are sent from residential facilities for children to residential institutions for older persons and forced to work there.

C.8. Social protection

Most persons with disabilities do not enjoy an adequate standard of living for themselves and their families. The existing pensions for persons with disabilities who are not able to work do not cover the basic needs, such as adequate food, clothing and housing. Also the lack of recognition of certain groups of persons with disabilities as people with disabilities excludes them from receiving the benefits. **See art. 28 CRPD, A/HRC/RES/22/3 and ILO Recommendation 202.**¹⁵

Recommendations

The Albanian government should take legal action to recognize all persons with disabilities. All persons with disabilities should have access to social protection programmes and to appropriate and affordable services, devices and other assistance for disability-related needs.

D. Recommendations to the EU delegation in Albania

1. Provide support for the harmonization of legislation with the CRPD, in cooperation with the UN Office for the High Commissioner for Human Rights
2. Ensure that ongoing efforts to build capacity of organizations persons with disabilities are inclusive of persons with all different disabilities
3. Share information and best practices on nondiscrimination and disability legislation, services and benefits that are available throughout Europe
4. Submit information to the next Universal Periodic Review of Albania on the situation of persons with disabilities in Albania, in consultation with persons with disabilities and their representative organizations

¹⁴ Article 28 UN CRPD: States Parties recognize the right of persons with disabilities to an adequate standard for themselves and their families and to continuous improvement of their living conditions. Also the right of persons with disabilities to social protection and the enjoyment of that right without discrimination on the basis of disabilities are recognized. See also Human Rights Council resolution, The Work and employment of persons with disabilities, A/HRC/RES/22/3 [March 2013], available at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/3.

¹⁵ See also ILO, R202 - Social Protection Floors Recommendation, 2012 (No. 202), Recommendation concerning National Floors of Social Protection, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3065524.

E. Recommendations to representatives of UN agencies in Albania, including UNDP, UNICEF, and ILO

1. Work to build capacity of representative organizations of persons with disabilities
2. Support initiatives to increase transparent and institutionalized consultation processes with persons with disabilities and their representative organizations
3. Collaborate at national level to increase education, training and employment opportunities for all persons with disabilities, in cooperation with organizations of persons with disabilities and their representative organizations at national, regional and international level
4. Submit information to the next Universal Periodic Review of Albania on the situation of persons with disabilities in Albania, in consultation with persons with disabilities and their representative organizations

Annex 1 - List of member organizations of the Albanian National Council of Disabled People

The Council is made up of the following organisations:

The Albanian Blind Association

The Albanian association of deaf persons

The National association of para and tetraplegics

The National association of Labour invalids

The National association for helping people with intellectual disabilities