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FLASH REPORT

Country:	Albania
Title:	The Committee on the Rights of Persons with Disabilities (CRPD) adopted the Concluding observations on the initial report of Albania
Date:	10 March 2020
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Context	
Issue at stake:	CRPD adopted recommendations to improve the rights of persons with disabilities, including equality and non-discrimination
Grounds of discrimination:	Disability, Racial or ethnic origin, Gender, Age
Field of application:	All fields
Source:	Policy development
Applicable law:	The Convention on the Rights of Persons with Disabilities

Content

Policy development: Albania has ratified the Convention on the Rights of Persons with Disabilities through the Law no. 108, dated 15.11.2012, which entered into force on 11 February 2013. The Albanian Government prepared the initial report in 2014, which was received by the CRPD on 4 December 2015. The CRPD considered the report in August 2019 and adopted the concluding observations on 16 September 2019.

The Committee commends Albania for the adoption of new legislation and policy documents that aimed at the protection of persons with disabilities as follows:

- Law No. 93/2014, on inclusion and accessibility for persons with disabilities;
- Order No. 195/2016, which establishes the 'inclusive teacher profile';
- the National Action Plan on Disability 2016–2020.

On the other hand, the CRPD is concerned regarding principal areas and specific rights and recommends Albania to take appropriate measures to address them.

CRPD is concerned regarding:

- The insufficient efforts made to revise existing legislation and to bring it into full compliance with the Convention, including the legislation that denies or restricts the legal capacity of persons with disabilities and permits the deprivation of liberty and the forced treatment based on a medicalized model of disability, the legal provisions that restricts the right of persons with disabilities to vote.
- The lack of participation of the representative organisations due to the lack of legislation and transparent procedures regarding the consultation with these organisations and of regular and sustainable financial support for them. The official Albanian translation of the Convention makes a reference to organisations 'for'

persons with disabilities, which does not accurately reflect the language of the Convention.

- The lack of comprehensive policies, strategies and action plans regarding the multiple and intersecting forms of discrimination faced by women and girls with disabilities, and addressing the situation of children with disabilities in all aspects of their lives, the quality of inclusive education and about the segregated education environments.
- The lack of regular awareness-raising and training programmes.
- The insufficient measures taken to ensure the access of persons with disabilities to the justice system, to increase the level of employment, to prevent exploitation, violence and abuse, to deinstitutionalize persons with disabilities, to guarantee universal access to appropriate assistive devices and aids, to guarantee accessible health-care services and facilities in the community and to provide appropriate financial support ('allowances') scheme for persons with disabilities.
- The absence of disaggregated data about the situation of persons with disabilities, reliable information on the level of implementation of laws, strategies and action plans, and on the accessibility of electronic media, including social media.

Regarding the respect of the equality and non-discrimination principle, the Committee is concerned about three important issues:

- the lack of a clear prohibition of discrimination on the grounds of disability and the absence of sanctions and remedies in cases of discrimination, including denial of reasonable accommodation;
- the establishing of different legal entitlements for persons with different categories of disabilities;
- the lack of a strategy to promote the rights of Roma, women and girls with disabilities.

The Committee strongly recommends Albania to take specific measures aimed to guarantee a high level of protection from discrimination for persons with disability, such as:

- review of the legislation in order to incorporate a clear prohibition of disability-based discrimination that explicitly includes all forms of discrimination on the grounds of disability, including multiple and intersecting forms of discrimination and the denial of reasonable accommodation;
- develop and apply harmonised and transparent criteria, fair assessment procedures and equal entitlements for persons with disabilities regardless of where they live in the State party;
- adopt a national programme with effective incentives to improve the situation of Roma, women and girls with disabilities, especially on their rights to education, health care, and employment.

Key points of analysis: The Committee emphasises as urgent measures to take in consideration by the state the adoption of the human rights model of disability and a denial of reasonable accommodation in laws prohibiting discrimination, in accordance with the Convention. It also recommends that the State party review existing and draft laws, including the disability assessments for social protection and for employment promotion in close consultation with organisations of persons with disabilities, to ensure that persons with disabilities can access mainstream and disability-specific services at the local level. The Committee further recommends that the State party ensure that the use of all derogatory language in reference to persons with disabilities is eliminated from all legislation, public documents and public discourse.

In March 2019, the Ministry of Health and Social Protection conducted the Mid-term Monitoring and Evaluation Report of the National Action Plan for People with Disability,¹ which recommends some necessary corrective measures.

In March 2020, based on these recommendations, the Albanian Government initiated the process for the revision of the National Action Plan on Disability 2016-2020, with the support of UNDP Albania.² The most part of the CRPD recommendations will be included in the revised Action Plan.

Internet link source:

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

¹ Government of Albania (2019), *Mid-term Monitoring and Evaluation Report of the National Action Plan for People with Disabilities 2016-2018*, March 2019.

² See: https://jobs.undp.org/cj_view_job.cfm?cur_job_id=90618.