

**REPUBLIC OF ALBANIA**

**PEOPLE'S ADVOCATE**

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**INFORMATION CONCERNING ALBANIA AND THE  
CONVENTION ON THE RIGHTS OF PERSONS WITH  
DISABILITIES**

**PEOPLE'S ADVOCATE OF ALBANIA SUBMISSION**

**Tirana, 2015**

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The People's Advocate institution, in accordance with the functions and powers recognized and provided by the Albanian Constitution and the law "On the People's Advocate", among others, has as its work priority, also the observance of the rights of persons with disabilities.

Following the ratification of the UN Convention "On the rights of persons with disabilities ", in July 2014, the Law no. 93/2014 "On inclusion and accessibility of persons with disabilities" was passed. In Article 16, the People's Advocate was given the role of a monitoring institution for the implementation of this law in accordance with the Convention on the Rights of persons with disabilities.

## **1. Miss-translation of Convention terminology**

Convention "*On the rights of persons with disabilities*", is a fundamental international instrument in the field of rights of disabled people. Having carefully reviewed the official English version of this Convention, the People's Advocate institution has noted that there are problems in the accuracy of the translated terminology, of the translated version of the Convention into Albanian, *of the preposition "of"*.

According to paragraph b) of Article 29 of the Convention, it is explicitly stated that:

*ii) Forming or joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.*

Whereas in Article 32 of the Convention it is stated that:

*"States Parties recognize the importance of international cooperation and its promotion, in support of national and effective efforts in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities..."*

According to the explanations made by an official translator, regarding the phrase "*Organization of Persons with Disabilities*", used in Articles 29 and 32 of the Convention "On the rights of persons with disabilities", it turns out that Article 29 and 32 of the Convention, make use of the phrase "*Organizations of persons with disabilities*", to refer to organizations that are composed of people with disabilities.

So, after the Convention refers to non-governmental organizations and associations operating in the public and political life of the country (subparagraph i) in subparagraph (ii)

of paragraph b) of this article, it points out "...the establishment and membership of those organizations of persons with disabilities to represent persons with disabilities at the international, national, regional and local levels."

In these conditions, we believe that the term "**organizata për personat me aftësi të kufizuara**" should be changed and replaced with the term "**organizata e (të) personave me aftësi të kufizuara**".

Given that miss-translation into Albanian as a result leads into an incorrect understanding of the Convention, an incorrect conception of the acts arising after its ratification, wrong perception of liabilities, but further into the reporting of the Albanian state for the implementation of this Convention, on 12.05.2015, the People's Advocate recommended to the Minister of Justice, *obtaining the legal initiative for the accuracy of translation of Articles 29 and 32 of law no. 108/2012 "On Ratification of the UN Convention" On the rights of persons with disabilities.*

In response to the recommendation in February 2016, a revised version was sent to us, which had no changes. So the problem remains the same.

## **2. Access to justice**

Persons with disabilities shall enjoy all the conditions for exercising their relevant rights and obligations just like the other citizens. As long as they encounter obstacles to be involved and participate in the justice system, they are unable to fully exercise their rights and responsibilities as equal citizens of the society. For this reason, it is important to note that the removal of barriers and creation of conditions for access to justice, makes it possible for people with disabilities to enjoy equal opportunities to fulfill the duties and responsibilities of their legal and social rights.

Recognizing to people with disabilities the same rights and access to justice as other citizens, it is important to take concrete legal and institutional measures in pursuance of the provisions and guarantees of Article 13 of the Convention "On the rights of persons with disabilities".

As in the above, to ensure access to justice for persons with disabilities, the People's Advocate has recommended to the Minister of Justice to take the legal initiative for legislative improvements:

- i. *In Law no. 8116, dated 29.03.1996 "The Code of Civil Procedure of the Republic of Albania", as amended, Part One, "The General Part" Title I "The basic principles of*

- judicial process", a specific provision is added to guarantee access to the civil judicial process for persons with disabilities.*
- ii. *In Law no. 7905, dated 21.03.1995 "The Code of Criminal Procedure of the Republic of Albania", as amended, under "General Provisions", a specific provision is added to ensure access to the criminal judicial process for persons with disabilities.*
  - iii. *In Law no. 8485, dated 12.05.1999 "The Code of Administrative Procedures", Chapter II, General Principles, a specific provision is added to ensure access for persons with disabilities to participate in the administrative procedure.*
  - iv. *In Law no. 7829, dated 01.06.1994 "On the Notary", as amended, in Chapter II, "Mode of Editing Acts", specific provisions are to be met so as to ensure the full and uninfluenced expression of will of persons with disabilities in drafting a notarial act.*

To the attitude held on recommendations cited above, the Ministry of Justice informs that:

*"... As far as the adoption of changes in laws recommended by your side, initiatives for changing them, are really within the area of state responsibility of the Ministry of Justice, but regarding specific issues expected to be addressed, proposals on changes must come from relevant institutions such as the Ministry of Social Welfare and Youth. In conclusion, the Ministry of Justice, in the first case of taking the initiative to revise the laws recommended by you, shall analyze your recommendations, by taking into account constitutional principles and developments in legislation in force."*

As above, since the Ministry of Social Welfare and Youth exercises its activities even in the development of policies for addressing cases of discrimination due to disabilities, we addressed the recommendations cited above to the Minister of Social Welfare and Youth and for information to the Ministry of Justice.

The Ministry of Justice gave us the following answer, by informing even the Minister of Social Welfare and Youth:

*-First, to guarantee access to the civil justice process for persons with disabilities, and to fulfill specific provisions so as to ensure the full and uninfluenced expression of will of persons with disabilities in drafting a notarial act, the Ministry of Justice, in the first case of taking the initiative to revise the Law no. 8116 dated 29.03.1996 "the Code of Civil Procedure of the Republic of Albania", as amended, and Law no. 7829 dated 01.06.1994 "On the Notary", as amended, shall analyze the recommendations prepared by our institution on this issue, by taking into account the constitutional principles and developments in the legislation in force.*

*-Secondly, to ensure access to the criminal judicial process for persons with disabilities, the Minister of Justice by Order no. 695 dated 22.12.2014, has established the working group "On the draft-law" "On changes and amendments in the law No. 7905 dated 21.03.1995 "The Code of Criminal Procedure of the Republic of Albania", as amended, 'which shall analyze the recommendations prepared by our institution on this issue.*

*-Thirdly, to ensure access for people with disabilities to participate in administrative procedures, on the initiative of the Minister of Justice, the Parliament has adopted Law No. 44 / 2015 "The Code of Administrative Procedure of the Republic of Albania", which in Article 17, "The principle of equality and non-discrimination', has provided for that:*

*"... 3. Public authority in the exercise of its activity to avoid any discrimination because of sex, race, color, ethnicity, nationality, language, gender identity, sexual orientation, political beliefs, religious or philosophical beliefs, economic, educational and social state, pregnancy, parental affiliation, parental responsibility, age, marital or family status, civil status, residence, health status, genetic predispositions, disability, affiliation to a particular group or because of any other reason."*

We are awaiting the implementation of recommendations.

### **3. Special Report of the People's Advocate activity on the employment of people with disabilities in institutions of central and local power:**

This report is sent to Parliament in April 2013, but has not been reviewed yet. This report has provided recommendations on:

- a) Drafting a legal act under Article 16 of Law no. 7995/1995 "On employment promotion", regarding the rules, manner and procedure of payment of the minimum salary in the National Employment Fund.
- b) Implementation of reasonable accommodation premises for persons with disabilities in the workplace, by enabling the removal of barriers and by ensuring equal access to others.
- c) In addition, it is necessary that the responsible state authorities, the State Labor Inspectorate shall monitor the application of existing provisions and those to be changed, by employers, in order to ensure even the implementation in practice of the provision, by the public or private employers.

The People's Advocate Institution in order to monitor the implementation of law no. 7995/1995 "On employment promotion", has asked to 36 institutions of central and local government, explanations about legal obligations. From this monitoring it turns out as follows:

a) **Article 15 of Law no. 7995 has not been observed, for the employment of people with disabilities: the ratio has not been generally maintained: 1 person with disabilities employed in every 24 people.**

b) **No institution has applied for funding to the relevant employment office in order to properly equip the workplace of the person with disabilities.**

c) **No institution has poured into a special account in the fund of the National Employment Service the amount equal to the minimum monthly salary.**

4. **Regarding the interpreters used in court proceedings as well as the fact that institutions of high education lack interpreters of the Albanian sign language for deaf students:** In March 2013, the People's Advocate addressed the Ministry of Justice and the Ministry of Education and Science, by recommending:

a) Appointment of interpret experts by the court, shall be conducted by choosing them among people enrolled in certain lists for this purpose.

b) Taking measures to ensure sufficient funding for courts, for uncompleted payments to interpreters of sign language, which are called as experts in trial, and the forecast of the next funds for this service, provided by licensed and accredited organizations for this purpose.

5. **Regarding the removal from the disability benefit scheme of people residing in institutions of social care, for victims of domestic violence and people who with a final court decision, serve time in prison:** In April 2014, the People's Advocate has addressed to the Commission for Employment, Social Affairs and Health, in the Albanian Parliament, opinions and remarks regarding the draft-law "On some additions and amendments to law no. 9355 dated 10.03.2005 "On social assistance and services", as amended. These opinions of the People's Advocate were not taken into consideration:

a) Amendment in Article 4, which defines "**The removal from the disability benefit scheme of people residing in residential care institutions.**" The People's Advocate has proposed to not take off the disability benefit when a person lives in the respective residential institution, since people with disabilities receive this payment to mitigate barriers in their daily lives.

b) For the list of those who receive the economic aid, which according to paragraph 5 of the law, it is stated that from the economic aid, can profit: "... victims of domestic violence, for the validity period of the protection order or of the immediate protection order "it is also provided for the addition "*not to be treated in social care institutions.*" So they can take the benefit when they are not treated in social care institutions.

The forecast of this addition restricts the list of beneficiaries who are victims of domestic violence, who because of housing in the respective centers, cannot receive the social aid. Therefore, the People's Advocate has asked for **reformulation**, for denying the right of economic aid to the spouse (who may be the abuser) since it constitutes the most sensitive point. Regardless of the financial bill, this amendment does not lead to improvement of the economic situation of the victims of domestic violence.

c) Article 4 of the draft-law has included in paragraph 5, people who do not benefit from this law (i.e. the economic aid) "*People treated in institutions of public residential care which are financed by funds of the state budget to the extent of economic aid or disability benefit*". The People's Advocate has considered it as a violation of the principle of legal security. The People's Advocate has proposed that the draft-law should provide a better solution to concepts so as to eventually share the disability compensation by other living sources and to treat it as an independent social benefit in accordance with special laws on disability.

**6. In July 2014, we gave our opinions and suggestions to the Commission for Employment, Social Affairs and Health, in the Albanian Parliament, regarding the draft-law on "Inclusion and accessibility of people with disabilities":**

1. Limits rights of the People's Advocate institution, provided for by the Constitution and the Organic Law for the establishment of our institution. We proposed reformulation of article 17.
2. Violates the principle of representation of organizations of persons with disabilities. We proposed amendments to Article 3, paragraph 8 and 9, as well as Article 13, paragraph 3 concerning definitions "*Organization of Persons with Disabilities*" and "*Organization for People with Disabilities*" and the composition of the National Council of Disability.
3. Does not guarantee the principle of legal security to persons with disabilities. We proposed reformulation of article 4.
4. The draft-law was conceived as a framework law, but does not provide any specific interventions in existing legislation and the harmonization of this legislation with this framework law. We proposed an addition to Article 23 concerning the determination of terms within the existing legislation.

5. To harmonize terminology on the personal assistant in Article 3, paragraph 2 and to label them according to the type of disability which they support, we have proposed reformulation of article 8.
6. We proposed an addition to Article 20 which provides for that: "This law is available in accessible formats."
7. We proposed amendment to Article 9, paragraph 2 and article 12 paragraph 1 concerning the concentration of funding to the Ministry of Social Welfare and Youth and the provision of a large number of competencies to this ministry, which can create a kind of exceptional and segregative situation for this group in relation to other government institutions.

With the approval of Law 93/2014 "For inclusion and accessibility of persons with disabilities" the following proposals were not taken into consideration:

- a) Derogation of representation of disabled people's organizations.
- b) Concept as a framework law, but which does not provide any specific interventions in the existing legislation.
- c) Concentration of funding only to a Ministry.

**6. Regarding the delays in providing disability benefits:** In December 2012, the People's Advocate recommended to the Minister of Finance and the Ministry of Labor, Social Affairs and Equal Opportunities for the first disbursement of funds for the delayed payment to people with disabilities and in March 2013 for the first disbursement of funds for the payment of subsidization on electricity bills for persons with disabilities in the Municipality of Berat.

Association of the blind in Vlora, filed a complaint with the subject: denial of the right to obtain a monthly disability benefit for the period of October-December 2014 in the Administrative Unit of Shushicë, because the disability benefits for the periods cited above, are adopted by a former employee of the Branch of the Albanian Post in Shushicë, who is being prosecuted in custody, the beneficiaries have not received yet the monthly disability benefit, by not facing the immediate needs of everyday life since this benefit is their only income.

**7. For failure to gain compensation for the urban transport ticket:** In April 2014, the People's Advocate recommended to the Minister of Social Welfare and Youth, Minister of Public Affairs and Transport and the Minister of Finance, the issuance of bylaws in



accordance with Article 11 of law no. 26/2012 "On Amendments to the Law no. 8098, dated 28.03.1996 "On the status of the Blind"; of Article 11 of Law no. 27/2012 "On Amendments to the Law no. 8626, dated 22.06.2000 "On the status of paraplegia and tetraplegia", as amended; of Article 11 of Law no. 7889, dated 14.12.1994 "On the status of invalids"; of Article 10 of Law no. 8153, dated 31.10.1996 "On the status of the orphan" and of article 6 of Law no. 7663, dated 20.01.1993 "War against Nazi-fascist invaders of the Albanian people". Bylaws have not been issued yet. Consequently, persons with disabilities, persons who acquire the status of the orphan and war veterans, have not benefited any financial compensation for urban transportation, because the laws have not been implemented yet since there is no bylaw which can regulate the situation of these beneficiary categories.

**8. For failure to gain financial compensation for electricity bills and telephony to people who enjoy the status of the blind, paraplegia and tetraplegia people, who live in rented flats, although they are legal beneficiaries of this compensation:** The People's Advocate recommended to the Minister of Youth and Social Welfare in April 2014, the issuance of the relevant guideline in accordance with Article 11 of Council of Ministers' Decision no. 404, dated 20.06.2012 "For the purpose of determining the criteria procedures to obtain financial compensation for people with the status of the blind as well as paraplegia and tetraplegia for electricity bills and telephony", in order to enable the benefits for this category of invalids living in rented apartments.

The People's Advocate received a reply that the Guideline of the Minister of Social Welfare and Youth was approved "On the implementation of Decision no. 404 dated 20.06.2012. In this Guideline are included as beneficiaries, people who reside in rented houses as well as documentation that they need to submit so as to get this benefit.

**9. Regarding failure to gain the special sanitation package of work disabled people:** The People's Advocate in July 2013, made a recommendation to the Minister of Finance, Minister of Labor, Social Affairs and Equal Opportunities and the Minister of Health for the improvement of Article 7 of law no. 7889, dated 14.12.1994 "On the status of invalids", as amended, as well as article 11 of Law no. 9355, dated 10.03.2005 "On social assistance and services", as amended, in order that a certain category of persons with disabilities, according to the diagnosis established by the Health Committee for Determining the Ability to work, shall benefit the sanitation package, as an addition to the extent of the disability pension and disability benefits.

The Ministry of Finance has estimated the initiative of the People's Advocate for the improvement of the acts cited above, but by taking into account the current budgetary situation, the above recommendation shall be reviewed at a later stage. Finally, the Ministry of Finance has indicated that considering the fact that the above-mentioned amendments of the current legal base are a competence of the Ministry of Social Welfare and Youth, we have

asked for their treatment, with a view to finding an appropriate solution, within the allocated financial resources for that ministry.

While the Ministry of Social Welfare and Youth, the People's Advocate has informed that under the World Bank project "Modernization of Social Assistance in Albania", it has started in 2014 the process of reforming the current system of evaluation of disability, which among other things includes a review of existing evaluation criteria and the definition of disability, for which working groups of doctors have been set up because of this purpose and the review of legislation.

On its part, even the Ministry of Health states in principle that it agrees with the initiative and that it shall take measures in cooperation with the Ministry of Social Welfare and Youth, which is the responsible structure to reflect this recommendation. This issue has not been solved yet.

**10. For denial of the right to obtain disability benefit in the municipality of Shalë, Dukagjin:** Initially, the People's Advocate addressed a recommendation to the Prefect of Shkodra and the Chairman of the Municipal Council of Shalë Dukagjin, to take immediate measures on beneficiaries of the disability benefit at the Municipality of Shalë, Dukagjin. Given that councilors were not in consensus and did not want to adopt the subsistence minimum for the residents by which they were elected, by penalizing the entire community of this area, we addressed a recommendation to the Minister of Public Affairs and Transport, the Ministry of Social Welfare and Youth, the Minister of State for Local Affairs, for their intervention in resolving the issue of adoption as soon as possible of the economic aid and disability benefit in the municipality of Shalë, Dukagjin.

We have been informed by the Ministry of Social Welfare and Youth that it is cooperating with the Ministry of State for Local Affairs to resolve the problem and to open funds for this municipality for the economic aid and the disability benefit. Currently, from the information obtained by the People's Advocate institution, this issue has been solved.

**11. For failure to profit the addition in the invalidity pension as a disability benefit:** In November 2014, the People's Advocate recommended to the Regional Directorate of Social Security to take measures:

a) For sending a monthly list of disabled workers in the Regional Office of the State Social Service, in Tirana, pursuant to Guideline no. 1406 dated 30.07.2008 "On determining the procedures and documentation necessary for granting the benefit, pursuant to the Decision of the Council of Ministers no. 869 dated 18.06.2008 "On implementation of the Law no. 7889, dated 14.12.1994 "On the status of invalids".

b) For preventing in the future other similar cases, for failure to gain the addition on the invalidity pension, as a disability benefit.

The People's Advocate's recommendation is accepted and starting from January 2015, the list is submitted to the Regional Office of the State Social Service, so that persons with disabilities can benefit from the addition to the invalidity pension as a disability benefit.

**12. Termination of the disability benefit in the municipality of Ksamil:** Regarding this case, the People's Advocate addressed the Prefect of Vlora District, who addressed this issue to its deputy Prefect of Saranda for solution. Finally, the People's Advocate was informed that payments were carried out up to 31.12.2014.

Beneficiaries of disability benefits had not received for three months (October-December 2014) their monthly disability benefit, by not meeting their immediate everyday needs, since that payment was their only income. This interruption was due to the fact that the Mayor of Ksamil had not been in the office since 02.10.2014.

On the part of the Sub-Prefecture, the People's Advocate was informed that following the decision by the Municipal Council, all disability benefits were paid up to date 31.12.2014. Meanwhile, it appears that the payments of 2015 have been carried out.

**13. Adequacy is missing in public and private facilities.** New buildings or the constructed ones were not adapted, by flagrantly violating specific laws, orders and guidelines for eligibility and legal conditions of issuing the construction permit. The same situation applies even to urban and rural roads.

**14. Persons with disabilities have no access to public urban transport.** Public urban transport in all cities is inaccessible to the paraplegia people because they cannot climb freely in the urban due to the fact that it is inconvenient for them. Public urban transport is also inconvenient for blind people, as they lack the necessary information and signals. There are no specially designated places for them.

**15. The lack of statistics for people with severe mental illnesses.** People with severe mental illnesses do not receive social and health services as other categories of people with disabilities. Even persons with disabilities who live in rural areas, in many cases do not receive these services. For this purpose it is necessary to identify and assess the needs of these two categories, the establishment of residential centers for the category of persons with severe mental illness, in order to receive specialized services.

**16. In the context of local elections 2015**, with the aim of creating the conditions necessary for people with disabilities to freely exercise their constitutional right, the right to vote, we have inspected several cities in Albania, if the necessary infrastructure was established for these people. We have ascertained that it lacks the construction adequacy to all categories of persons with disabilities in order to guarantee their participation in the voting process.

**17. Failure to grant the right to obtain reimbursement for expenses in the purchase of fuel and lubricant oil.** The complainants, who are people that enjoy the status of paraplegia and tetraplegia invalids, have not benefited the appropriated monthly payment of compensation for costs on the purchase of fuel and lubricant oil. For this issue we have conducted the institutional mediation with the Institute of Social Insurances, which informed us that: *"With the amendments to the national taxes, the Institute of Social Insurances does not manage the device of the disabled with moving vehicles, including cars, there are no new beneficiaries of reimbursement of fuel and lubricant oils. In cooperation with the Ministry of Social Welfare and Youth, it is working on the necessary legal amendments, which must be submitted for approval to the Administrative Council of the Institute of Social Insurances."*

Given the fact that this issue has not been solved yet, we have addressed again the Institute of Social Insurances so as to inform us about the steps that they have taken: have they made any legal amendments and if so, have the latter been submitted for approval to the Administrative Board of Institute of Social Insurances? We are waiting for a response.

**18. One problem encountered by people with disabilities who live in different cities of Albania and for years are beneficiaries of the disability benefit (paraplegia and tetraplegia people), is their examination at the University Hospital Center "Mother Teresa" in Tirana with the purpose of renewing the disability booklet so as to continue benefiting from disability payment.** Specifically, we are presenting the complaint of a citizen, who enjoys the status of the paraplegia, the first group since 1995. Every three years, she renews the respective booklet and in her disability file there have been deposited conductive epicrisis and examinations performed which certify her medical condition. In May 2015 she has sent a certificate, copy of the card, some analysis, the decision of the commission, but employees of the Department of Social Service in Pogradec, have informed her that the file was returned by the State Social Service in Tirana and in order to renew the card so as to continue acquiring the disability benefit, she must perform other examinations and she has to conduct these services at the University Hospital of Tirana. Given the fact that it is impossible for her to come to Tirana due to her medical condition and after addressing this institution, she has conducted her examinations in Korca and sent them to the State Social Service in Tirana, but she had not received any official response. In these conditions,

we addressed that institution and learned that since the term for the renewal of the booklet is 31.05.2015-31.05.2016, during this period, the complainant must visit the neurosurgeon or neurologist at the University Hospital Center "Mother Teresa" in Tirana. This problem was raised by many people with disabilities who are unable to come to Tirana to be examined not only because of their medical condition but also due to their financial state at a time when examinations can be performed in regional hospitals.

The People's Advocate institution considers that there is no need to renew the booklet of paraplegia-tetraplegia invalids when the decision of the Health Commissions on determining the ability to work is provided "**permanently**".

**19. The non-indexation of the amount of disability benefit for the period of 2005-2010 for those who enjoy the status of the Blind.** They have not benefited the indexation of the amount of disability benefit, whenever the national minimum salary has been raised at a national level. By 2004 the indexation of blindness benefit as a result of raising the minimum salary has been implemented, but not at a full extent. Whereas for the period 01.06.2005-17.08.2010 it was implemented with many deficiencies and created unpaid differences to every blind person. Considering this issue as a violation of their legal rights, they have sought the help of the People's Advocate for the institutional mediation, aiming at restoring the right for people to enjoy the status of the Blind. We have addressed the Ministry of Social Welfare and Youth. In response to our request, that ministry presented us with all the raises made since 2004 by Council of Ministers' decisions and relevant Guidelines. But this issue remains unsolved, since the raise made was not complete. Many of those who enjoy the status of the blind have won the right to benefit by judicial decisions.

**20. Inspections in 9 Social Care centers which treat people with disabilities with different diagnoses:** In the context of decentralization of social services, so as to better respond to the creation of opportunities for rehabilitation and integration of people with disabilities; the People's Advocate has sent the relevant recommendations to Mayors of Municipalities and the State Social Service. Recommendations consisted in taking measures:

- a) To improve the living conditions.
- b) To reconstruct buildings, install elevators, replace the existing beds and furniture with new and functional ones.
- c) To raise funds, especially in the item "602" (operating expenses: costs for electricity, water, services of third parties).
- d) To increase the staff with caregivers, psychologists, physiotherapists, drivers, social workers, etc.

e) To consider the possibility of dividing people with disabilities by age groups among residential development centers.

The People's Advocate shall continue inspections on the implementation of recommendations.

**21. Access to education:** From the complaints handled by the People's Advocate, it was found out that children with disabilities do not have access to attending public schools, starting from the construction adequacy at school.

In a complaint made by a group of parents with autistic children, among others, these concerns have been raised:

- a) The recognition of the disability booklet at urban bus lines and hospitals;
- b) The right of attending kindergartens and public schools;
- c) The problem of reimbursement of medicaments.

Considering as necessary the intervention of the state to regulate some aspects that influence the development, upbringing and education of this category of children, the People's Advocate has asked for information concerning institutional initiatives that may have been taken by the Ministry of Health, Ministry of Welfare and Youth concerning the requests of parents with autistic children. On its part, the Ministry of Health confirms the commitment to coordinate work with the Ministry of Social Welfare and Youth and the Ministry of Education and Science regarding the necessary social protection of this category of children and their families. The People's Advocate is still awaiting a response from the Ministry of Social Welfare and Youth.

**22. People who have taken a measure by the court for compulsory medical treatment:**

One of the main issues which still remains a concern for the People's Advocate, is not finding a final solution for housing in a hospital environment outside the prison system for people who have taken a measure by the court on compulsory medical treatment in respect of the law no. 44/2012 "On the mental health" and decisions of the appellate courts. It turns out that in such a state there are 21 people with "compulsory medical treatment" and 24 people with "temporary hospitalization". The People's Advocate through periodic inspections at the premises where people with mental health disorders have been accommodated, has continuously monitored the observance of rights and standards provided to people of this category. The People's Advocate has recommended to the Minister of Health for the implementation of the legal obligations for the preparation and issuance of bylaws on the

basis of compliance with articles 18, paragraphs 1 and 2, article 27, paragraph 5 letter "ç" and article 28 paragraph 2 of Law no. 44/2012 dated 19.04.2012 "On the mental health", as amended. This problem has still remained unsolved.

From the information of the People's Advocate, it turns out that in the Institutions for the Execution of Criminal Offenses there are 168 disabled people (156 males and 12 females). The Prison Hospital Centre in Tirana is the only one, which after the People's Advocate's recommendation made in 2012, has established the access ramp for people with disabilities. While regarding institutions for the execution of criminal offenses, it should be noted that these institutions have not achieved yet the construction adequacy.