



KESHILLI KOMBETAR
I PERSONAVE
ME AFTESI TE KUFIZUAR



RESOLUTION OF THE NATIONAL CONFERENCE ON *"THE RIGHTS OF PERSONS WITH DISABILITIES, AN INTEGRAL PART OF HUMAN RIGHTS"*

The national conference organized by KKPAK and the Institution of the Ombudsman with the participation of government members, representatives of international institutions, of the diplomatic corps accredited in the Republic of Albania, as well as a number of organizations on human rights, found that:

1. The situation of human rights for persons with disabilities continues to be worrisome. There is still room in the Albanian legislation to ensure equal access to and opportunities for the protection of human rights and fundamental freedoms. The country's Constitution does not specify disability in Article 18 as a cause for discrimination, and does not expressly prohibit it in any of its provisions. The Constitution also does not recognize special protections by the state for people with disabilities, as it does in Article 54, par. 1 for other groups such as children, children born out of wedlock, teenagers, pregnant women and new mothers.
2. Access to justice for persons with disabilities is more limited than that provided for in the UN Convention on the Rights of People with Disabilities. For this purpose, significant improvements need to be made to the procedural legislation. In practice, the observance of legal provisions continues to be problematic. Persons with disabilities are often denied basic rights, even through the removal of the ability to act or through the denial of parental rights.
3. Persons with disabilities are faced every day with social exclusion and unequal opportunities in life. Some efforts and positive practices have been observed in the field of education. The Ministry of Education, Science and Technology has undertaken the commitment to create spaces and opportunities for an integrated education for persons with disabilities. This policy is reflected by the new law on pre-university education. The employment prospects for persons with disabilities remain a concern; there is a lack of state intervention through the public vocational training centers for the adaptation of people with disabilities to the labor market, and of support through funding from the state budget of programs for the adjustment of the workplace for persons with disabilities. The legislation to promote employment of persons with disabilities is not complete, but even those provisions which are in force are not applied in practice. The Ministry of Labour, Social Affairs and Equal Opportunities has begun efforts to draft the law for the establishment of enterprises or social purpose businesses hiring people in need, but the vision of this law is too broad and should be more concrete for people with disabilities. Social exclusion

is also evident in the participation of persons with disabilities in artistic and cultural activities and sports. The Ministry of Tourism, Culture, Youth and Sports has funded various activities through small projects, but it has yet to set up a budget through legal provisions for this group.

4. Special services for persons with disabilities continue to remain very limited. The decentralization of social care services towards the local government is considered a positive step, but in practice it is still far from concrete. The strategy for social care services for persons with disabilities remains unenforceable, mainly due to the lack of funds and appropriate legal arrangements. The Ministry of Labour, Social Affairs and Equal Opportunities and the SSS have attempted to determine the standards of residential services provided by public and private entities, but their implementation is disturbing. However, transparency regarding the use of funds is not adequate both for public institutions and beneficiaries. Public institutions do not yet recognize that the disability groups are able to offer specialized services for this group.

For the abovementioned reasons of human rights violations, the non-enforcement of legal provisions and the exclusionary mentality of many individuals in the public administration, the right of representation of persons with disabilities in order to address problems that concern them, has been infringed. Even now, the existence of the disability movement and its organization at local and national associations, directed and guided by persons with disabilities has not been clearly and unequivocally accepted. Public institutions, in many cases, avoid this reality by not giving them the opportunity to know about or consult on various initiatives and legal drafts, sectoral strategies or guidelines relevant to social policy. The social inclusion of people with disabilities is not adequately supported by effective social programs, as these are being reduced more and more lately.

Proposals:

The National Conference at its conclusion, after this discussion with the participation of all actors involved, thus all categories of persons with disabilities, representatives of the Ombudsman Institution, the Government, the Ambassador of the European Commission to Albania, representatives of other international institutions, the accredited diplomatic corps in Albania and several organizations of human rights:

1. Proposes that the Parliamentary Assembly of the Republic of Albania, take an initiative that will include:
 - a. in Article 18 of the Constitution of the Republic, the prohibition of discrimination due to "disability."
 - b. in Article 54 of the Constitution, the provision of special protection by the state to the group of persons with disabilities.
2. Proposes that the Albanian Government undertake a priority initiative for the ratification of the UN Convention on the Rights of Persons with Disabilities, and that it proceed to other legal reforms in the Albanian legislation only after its ratification.
3. Proposes that the Albanian Government take the initiative to amend Article 3, paragraph 7 of the Law "On the protection from discrimination" and specifically that it replace the

expression "undue burden" with an expression or clarification in accordance with the provisions of the UN Convention on the Rights of Persons with Disabilities or EU legal instruments in this field, which can be "reasonable accommodation" or "unproportional and unfair burden."

4. Asks that the government recognize, standardize and fund the disability movement on the basis of her will.
5. Asks that the Albanian government determine the national subsistence minimum in order to protect and guarantee the economic status of disabled persons as the social group most vulnerable to poverty.

For the Institution of the Ombudsman
Mr. Igli Totozani

For KKPAK
Dr.Av Sinan TAF AJ